

ORDINANCE NO. 2001 - 082

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO ESTABLISH A CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE DESIGNATION FOR **PROSPERITY FARMS ROAD**, FROM NORTHLAKE BOULEVARD TO BURNS ROAD AND TO ESTABLISH TIMING CRITERIA FOR THE WIDENING OF PROSPERITY FARMS ROAD FROM NORTHLAKE BOULEVARD TO BURNS ROAD AND FROM DONALD ROSS ROAD TO GARDENS PARKWAY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 5, 2001 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated November 2, 2001 which was the
3 Department's written review of the proposed Comprehensive Plan
4 amendments; and

5 WHEREAS, the written comments submitted by the Department
6 of Community Affairs contained no objections to the amendments
7 contained in this ordinance;

8 WHEREAS, on December 5, 2001 the Palm Beach County Board of
9 County Commissioners held a public hearing to review the written
10 comments submitted by the Department of Community Affairs and to
11 consider adoption of the amendments; and

12 WHEREAS, the Palm Beach County Board of County
13 Commissioners has determined that the amendments comply with all
14 requirements of the Local Government Comprehensive Planning and
15 Land Development Regulations Act.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18 Part I. Amendments to the 1989 Comprehensive Plan

19 Amendments to the text of the following Element of the 1989
20 Comprehensive Plan are hereby adopted and attached to this
21 Ordinance in Exhibit 1:

22 A. **Transportation Element**, to establish a Constrained
23 Roadway at Lower Level of Service (CRALLS) designation
24 for Prosperity Farms Road from Northlake Boulevard to
25 Burns Road and to establish timing criteria for the
26 widening of Prosperity Farms Road from Northlake
27 Boulevard to Burns Road and from Donald Ross Road to
28 Gardens Parkway and

29 B. Amending all elements as necessary for internal
30 consistency.

31 Part II. Repeal of Laws in Conflict

32 All local laws and ordinances applying to the
33 unincorporated area of Palm Beach County in conflict with any
34 provision of this ordinance are hereby repealed to the extent of
35 such conflict.

1 Part III. Severability

2 If any section, paragraph, sentence, clause, phrase, or
3 word of this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not
5 affect the remainder of this Ordinance.

6 Part IV. Inclusion in the 1989 Comprehensive Plan

7 The provision of this Ordinance shall become and be made a
8 part of the 1989 Palm Beach County Comprehensive Plan. The
9 Sections of the Ordinance may be renumbered or relettered to
10 accomplish such, and the word "ordinance" may be changed to
11 "section," "article," or any other appropriate word.

12 Part V. Effective Date

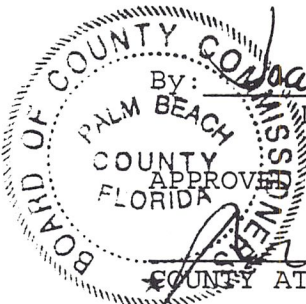
13 The effective date of this plan amendment shall be the date
14 a final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184, Florida Statutes, whichever
17 occurs earlier. No development orders, development permits, or
18 land uses dependent on this amendment may be issued or commence
19 before it has become effective. If a final order of
20 noncompliance is issued by the Administration Commission, this
21 amendment may nevertheless be made effective by adoption of a
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1 resolution affirming its effective status, a copy of which
2 resolutions shall be sent to the Department of Community Affairs,
3 Bureau of Local Planning, 2555 Shumard Oak Boulevard
4 Tallahassee, Florida 32399-2100.

5 APPROVED AND ADOPTED by the Board of County Commissioners
6 of Palm Beach County, on the 5 day of December,
7 2001.

8
9 ATTEST:
10 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
11 COMMISSIONERS



12 By: [Signature]
13 Deputy Clerk

14 By: [Signature]
15 Warren H. Newell, Chairman

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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COUNTY ATTORNEY

22 Filed with the Department of State on the 14th day
23 of December, 2001.

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EXHIBIT 1

- A. **Transportation Element**, Prosperity Farms Road Constrained Roadway at Lower Level of Service (CRALLS), and criteria for timing of the widening of Prosperity Farms Road.

REVISIONS: To add language in Policy 1.2-f designating Prosperity Farms Road as a CRALLS facility and to add a new Policy 1.1-m establishing criteria for timing of the widening of Prosperity Farms Road. The added text is shown in underlined.

1. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

- 19) Prosperity Farms Road between Burns Road and Northlake Boulevard is hereby designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility. Its level of service shall be: for Test One, 20,950 trips on a daily basis and 1,948 trips on a peak hour basis.

2. **NEW Policy 1.1-m:** Before Prosperity Farms Road between Burns Road and Northlake Boulevard may be constructed as a 4/5-lane facility:

- a) the CRALLS volumes on this segment must be reached; and
- b) the parallel segment of Alternate A1A must be a 6-lane facility and must operate below its adopted Level of Service; or
- c) the parallel segment of US-1 must operate below its adopted Level of Service.

Before Prosperity Farms Road between Donald Ross Road and Gardens Parkway may be constructed as a 4/5-lane facility:

- d) the CRALLS volumes on this segment must be reached; and
- e) the parallel segment of Alternate A1A must be a 6-lane facility and must operate below its adopted Level of Service; or
- f) the parallel segment of US-1 must operate below its adopted Level of Service.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 5, 2001.
DATED at West Palm Beach, FL on 12/31/01.
DOROTHY H. WILKEN, Clerk
By: Nedra Brown D.C